

REMARKS

Favorable reconsideration of this application, as presently amended in light of the following discussion, is respectfully requested.

Claims 1-48 are pending in the present application. Claims 1, 4, 8, 10-13, 15, 16, 19, 21, 22, 25, 26, 30, 32, 39 and 41 are amended by the present amendment. Support for amendments to the claims can be found in the specification and in the claims as originally filed.¹ Thus, no new matter is added. Accordingly, Applicants respectfully request entry thereof and reconsideration of claims 1-48 in view of the following remarks.

In the outstanding Office Action, Claims 1-13, 15-19, 25-39 and 41-46 were rejected under 35 U.S.C. § 103(a) as unpatentable over Joao (U.S. Patent Publication 2001/0032099; hereinafter “Joao”) in view of Soll et al. (U.S. Patent Publication 2003/0055679; hereinafter “Soll”); and Claims 14, 20-24, 40, 47 and 48 were rejected under 35 U.S.C. § 103(a) as unpatentable over Joao in view of Soll and further in view of Schoenburg et al. (U.S. Patent No. 6,463,417; hereinafter “Schoenburg”).

In response to the rejection of Claims 1-13, 15-19, 25-39 and 41-46 under 35 U.S.C. § 103(a) as unpatentable over Joao in view of Soll, Applicants respectfully submit that amended independent Claims 1, 8, 13, 19, 25, 30 and 39 recite novel features clearly not taught or rendered obvious by the applied references.

Amended Claim 1 recites,

An electronic patient healthcare system for guiding a patient along a treatment pathway, beginning after a diagnosis of a medical condition requiring a medical event, wherein the treatment pathway is related to the medical event, by educating and preparing the patient for the medical event and post-medical event recovery, comprising:

a healthcare information provider system including a storage device and electronically displayable files containing health information associated with the medical event and retrievably stored on said storage device, the storage device

¹ See specification, paragraphs [0105] and [0106].

further including a registered patient database for storing information regarding patients being guided by the electronic patient healthcare system and a registered practitioner database for storing information regarding practitioners treating the patients being guided by the electronic patient healthcare system; and a patient terminal device in electronic communication with said healthcare information provider system and including an input device and a display device adapted to display said electronically displayable files;

said electronically displayable files include at least one pre-medical event set of electronically displayable files containing health information for preparing and educating the patient for the medical event, and at least one post-medical event set of electronically displayable files containing health information for preparing and educating the patient for post-medical event recovery so as to guide the patient along the treatment pathway, at least one of the pre-medical event and post-medical event sets of files including a task file that instructs the patient to perform a predetermined task, the predetermined task including at least two of scheduling an appointment with a medical professional, purchasing a medical product, taking a medical quiz, and evaluating at least one of a medical practitioner and a medical service facility, said patient indicating when each of the at least two tasks are completed using the input device of the patient terminal device and said electronically displayable files updating to indicate completion of the tasks; and

both (1) the at least one pre-medical event set of electronically displayable files containing health information for preparing and educating the patient for the medical event and (2) the at least one post-medical event set of electronically displayable files are predetermined such that the files are stored in the healthcare information provider system in anticipation of the medical event and prior to the medical event, and such that the files are related so as to provide the treatment pathway;

wherein the pre-medical event set of electronically displayable files are to be displayed to the patient before the medical event occurs and wherein the post-medical event set of electronically displayable files are to be displayed to the patient after the medical event occurs.

Independent Claims 8, 13, 19, 25, 30 and 39 recite similar features with respect to the patient indicating when each of the at least two tasks are completed using the input device of the patient terminal device and said electronically displayable files updating to indicate completion of the tasks. Thus, the arguments presented below with respect to Claim 1 also are applicable to independent Claims 8, 13, 19, 25, 30 and 39.

Soll describes an enhanced medical treatment system that seeks input from the patient and the physician about the medical problems faced by the patient.² Specifically, Soll describes that patients are given personalized instructions and educational materials when they leave the clinic.³ Furthermore, Soll describes that within these instructions the patient is instructed to perform a predetermined task including evaluating the medical practitioner and scheduling an appointment.⁴ Soll does not describe or suggest, however, “said patient indicating when each of the at least two tasks are completed *using the input device of the patient terminal device* and said *electronically displayable files updating to indicate completion of the tasks*,” as recited in amended Claim 1.

Joao describes an apparatus for providing healthcare information for either performing a medical diagnosis or prescribing a medical treatment.⁵ Joao further describes a database that contains health information data accessible to the patient and the physician.⁶ Joao fails to describe or suggest, however, “said patient indicating when each of the at least two tasks are completed *using the input device of the patient terminal device* and said *electronically displayable files updating to indicate completion of the tasks*,” as recited in amended Claim 1.

The outstanding Office Action alleges that Soll describes a physician providing a diagnosis, writing a prescription (alleged in the Action to be Applicants’ medical event), and then giving the patient instructions and materials regarding the prescription (electronically displayable files).⁷ Contrary to Applicants’ claimed invention, the patient described by Soll does

² See Soll, Abstract.

³ See Soll, paragraph [0174].

⁴ See Soll, paragraphs [0174]-[0183].

⁵ See Joao, Abstract.

⁶ See Joao, paragraph [0123].

⁷ See outstanding Office Action, page 3.

not “indicate when each of the two tasks are completed using the input device of the patient terminal device.” This is because the patient in Soll does not update the personalized instructions and educational materials (Applicants’ electronically displayable files) to indicate completion of the tasks. Rather, these materials are used as a reference to assist the patient in education regarding the medical event.

Furthermore, the patient is unable to use the input patient terminal described by Joao to indicate completion of the tasks. This is because the input terminal in Joao does not update the personalized instructions and education materials described in Soll. Neither Soll nor Joao, or any combination thereof, describes or suggests the features recited in amended independent Claims 1, 8, 13, 19, 25, 30 and 39. Accordingly, Claims 1, 8, 13, 19, 25, 30 and 39, and claims depending therefrom, patentably distinguish over Soll and Joao, considered individually or in combination.

In response to the rejection of Claims 14, 20-24, 40, 47 and 48 under 35 U.S.C. § 103(a), Applicants note that Claims 14, 20-24, 40, 47 and 48 are dependent on independent Claims 13, 19 and 39 and are believed to be patentable for at least the reasons discussed above. Further, Applicants respectfully submit that Schoenburg fails to cure any of the above-noted deficiencies of Soll and Joao. Accordingly, Applicants respectfully request the rejection of Claims 14, 20-24, 40, 47 and 48 under 35 U.S.C. § 103(a) be withdrawn.


Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance.

No additional fees are believed to be required for entry and consideration of this response. Nevertheless, in the event that the U.S. Patent and Trademark Office requires any additional fee to enter this response or to maintain the instant application pending, please charge such a fee to the undersigned's Deposit Account No. 132546.

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Respectfully submitted

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